UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,017	11/03/2003	Lawrence W. McVoy	24584-12151	3711

758   7590   12/07/2007
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER
CHEN, QING

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
12/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/700,017	MCVOY ET AL.
	Examiner	Art Unit	
	Qing Chen	2191	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to the RCE filed on September 27, 2007.

2.   **Claims 1-14, 16, and 18-21** are pending.

3.   **Claims 1, 3, 7-10, 13, and 19-21** have been amended.

4.   **Claims 15 and 17** have been cancelled.

5.   The objections to Claims 8 and 21 are withdrawn in view of Applicant's amendments to the claims.

6.   The 35 U.S.C. § 112, second paragraph, rejections of Claims 7 and 8 are withdrawn in view of Applicant's amendments to the claims.

Response to Amendment

Claim Objections

7.   **Claim 20** is objected to because of the following informalities:

- **Claim 20** contains a typographical error: "producing a second set of stacked diffs between the text computer file and the text computer file" should read -- producing a second set of stacked diffs between the second text file and the common text file --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   **Claims 16 and 18-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "[a] computer readable medium including a computer program." The claim is rendered indefinite because a computer program can only be stored or recorded on a computer readable medium. In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading "[a] computer readable medium storing a computer program" for the purpose of further examination.

Claims 16, 18, 19, and 21 depend on Claim 20 and, therefore, suffer the same deficiency as Claim 20.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.   **Claims 1, 3-10, 12-14, 16, and 18-21** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **US 6,912,707 (hereinafter Fontes)** in view of **US 6,226,652 (hereinafter**

Percival).

        As per **Claim 1**, Fontes discloses:

-       producing a first set of stacked diffs between the first drawing file and the common

drawing file *(see Figure 6; Column 4: 42-50, "... architect is creating revised base drawing*

602."; Column 9: 7-12, "These 'changes only' files are called 'Diff Files.'" and "... instead of

sending the entire revision 302 file back to architect 200, engineer 204 can send only the

changes that engineer 204 made to base drawing 300.");

-       producing a second set of stacked diffs between the second drawing file and the

common drawing file *(see Figure 6; Column 4: 42-50, "Architect 200 creates base drawing 300*

and sends base drawing 300 to engineer 204 via path 202. While engineer 204 is creating

revision 600 ..."; Column 9: 7-12, "These 'changes only' files are called 'Diff Files.'" and "...

instead of sending the entire revision 302 file back to architect 200, engineer 204 can send only

the changes that engineer 204 made to base drawing 300."); and

- simultaneously displaying the first and second sets of stacked diffs, wherein common lines of the first and second sets of stacked diffs are aligned and new lines of each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff *(see Figures 10 and 12; Column 6: 40-48, "... the user can define which file is considered the revision 302 and which file is considered the revised base 500, such that the user-defined revision file 302 appears on the left and the user-defined revised base 500 file appears on the right."; Column 7: 1-5, "Window 1200 contains windows 1202 and 1204, which display the layer information for base drawing 300 and revision 302. Window 1200 can also be used with the merge and parallel evolution mode of the present invention. If a layer is missing from either base drawing 300 or revision 302, the layer appears as a blank line in the other drawing file's window 1202 or 1204."; Column 9: 11 and 12, "The comparator 120 then uses the diff file as the revision file 302 for comparison purposes.").*

However, Fontes does not disclose:

- text files and lines of text.

Percival discloses:

- text files and lines of text *(see Figures 3-9).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Percival into the teaching of Fontes to include text files and lines of text. The modification would be obvious because one of ordinary skill in the art would be motivated to merge a set of changed text files *(see Percival – Column 1: 22-25).*

As per **Claim 3**, the rejection of **Claim 1** is incorporated; and Fontes further discloses:

- wherein conflicts between the first and second text files are displayed and only one conflict is active at a time *(see Column 6: 26-30, "Window 1002 displays revision 302, and window 1004 displays revised base 500. In window 1002, line 1006 is shown as a dashed line, and in window 904, line 1008 is shown as a solid line. This indicates to the user that line 1006 and line 1008 are different between the two drawings.")*.

As per **Claim 4**, the rejection of **Claim 3** is incorporated; and <u>Fontes</u> further discloses:

- displaying version control system metadata relating to the active conflict *(see Column 9: 38-41, "Prior to applying the diff file, the comparator compares the identification values of the base drawing 300 and the diff file, and warns the user if the values don't match.")*.

As per **Claim 5**, the rejection of **Claim 4** is incorporated; and <u>Fontes</u> further discloses:

- wherein version control system metadata comprises a revision number, date, checkin comments, and/or user identification pertaining to the version in which data was created *(see Column 9: 13-17 and 35-38, "A diff file must contain enough information to add ... data." and "To ensure that the correct base drawing 300 is undergoing the comparison by comparator 120, the diff file contains a identification that is compared to the base drawing 300.")*.

As per **Claim 6**, the rejection of **Claim 4** is incorporated; and <u>Fontes</u> further discloses:

- wherein version control system metadata comprises a revision number, date, checkin comments, and/or user identification pertaining to the version in which data was deleted *(see Column 9: 13-17 and 35-38, "A diff file must contain enough information to ... delete data." and*

"To ensure that the correct base drawing 300 is undergoing the comparison by comparator 120, the diff file contains a identification that is compared to the base drawing 300.").

As per **Claim 7**, the rejection of **Claim 4** is incorporated; and <u>Fontes</u> further discloses:

- searching an active conflict of the first and second sets of stacked diffs *(see Column 9: 13-17, "A diff file must contain enough information to add, modify, and delete data ... This data is stored as a series of operations. When the user applies a diff file as a revision 302, comparator 120 iterates through the database operations and applies each one to the base drawing 300.")*;

- creating a list of revisions for lines of text deleted from the active conflict *(see Column 9: 18-22, "Viewing the diff file as a collection of records, a typical record for entity data would have an operation that is performed on the entity, e.g., update, delete, or insert; data needed if the operation is an update or insertion, and the handle of the entity, if it is an update or deletion.")*;

- creating a list of revisions for lines of text added to the active conflict *(see Column 9: 18-22, "Viewing the diff file as a collection of records, a typical record for entity data would have an operation that is performed on the entity, e.g., update, delete, or insert; data needed if the operation is an update or insertion, and the handle of the entity, if it is an update or deletion.")*; and

- displaying the version control system metadata relating to the deleted lines of text and/or the added lines of text *(see Column 9: 38-41, "Prior to applying the diff file, the*

comparator compares the identification values of the base drawing 300 and the diff file, and

warns the user if the values don't match. ").

As per **Claim 8**, the rejection of **Claim 7** is incorporated; and <u>Fontes</u> further discloses:

- displaying creation information or deletion information for deleted lines of text *(see*

Column 6: 32-34, "Thus, the comparator considers revision 302 to be correct, and displays

changes to revision 302 instead of revised base 500. ").

As per **Claim 9**, the rejection of **Claim 3** is incorporated; and <u>Fontes</u> further discloses:

- alternatively displaying or not displaying deleted lines of text in the active conflict in

the first and second set of stacked diffs *(see Column 5: 54-59, "Other indications of differences*

between base drawing 300 and revision 302 are possible with the present invention, e.g., lines

can be displayed in different colors, can 'blink' on and off to show differences, or any other

manner of indicating to the user that something has changed between the two drawings. ").

As per **Claim 10**, the rejection of **Claim 1** is incorporated; however, <u>Fontes</u> does not

disclose:

- selecting one line of text or block of lines of text from either of the first and second

sets of stacked diffs;

- copying the selected lines of text to a conflict resolution pane; and

- repeating the selecting and copying steps to achieve a conflict resolution.

<u>Percival</u> discloses:

- selecting one line of text or block of lines of text from either of the first and second

sets of stacked diffs *(see Column 4: 9-11, "To merge the files, User A must mark blocks or lines*

of code to be excluded from the target (i.e., the file which will be checked into the database)

... ");

- copying the selected lines of text to a conflict resolution pane *(see Column 4: 11-12,*

"... then saves and checks in the resulting file. "); and

- repeating the selecting and copying steps to achieve a conflict resolution *(see Column*

4: 12-17, "To deal with the second collision, User A must start all over again, once again

navigating the menubar ..., selecting another collision record from the list, etc. This process

must be repeated for each of the detected collisions, i.e., for each file pair with differences. ").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Percival</u> into the teaching of <u>Fontes</u> to include

selecting one line of text or block of lines of text from either of the first and second sets of

stacked diffs; copying the selected lines of text to a conflict resolution pane; and repeating the

selecting and copying steps to achieve a conflict resolution. The modification would be obvious

because one of ordinary skill in the art would be motivated to allow a user to merge a set of

changed text files *(see <u>Percival</u> – Column 1: 22-25)*.

As per **Claim 12**, the rejection of **Claim 10** is incorporated; and <u>Fontes</u> further discloses:

- moving to a successive or previous conflict *(see Column 6: 4-8, "If the user wants the*

final drawing to look like the revision 302, the user can select the next button 914 to go to the

next change. If the user goes past a change and wants to review it again, the user can review

previous changes by selecting button 912 ...").

As per **Claim 13,** the rejection of **Claim 1** is incorporated; and Fontes further discloses:

-    alternatively displaying or not displaying deleted lines of text in the first and second

sets of stacked diffs *(see Column 5: 54-59, "Other indications of differences between base*

drawing 300 and revision 302 are possible with the present invention, e.g., lines can be

displayed in different colors, can 'blink' on and off to show differences, or any other manner of

indicating to the user that something has changed between the two drawings.").

As per **Claim 14,** the rejection of **Claim 1** is incorporated; and Fontes further discloses:

-    alternatively displaying or not displaying annotations with the first and second sets of

stacked diffs *(see Figures 16A and 16B; Column 7: 56-63, "FIGS. 16A and 16B illustrate*

summaries of the comparison presented by the present invention. FIG. 16A illustrates the

comparator 120 of the present invention outputting on window 1600 a list of all files compared

in the comparison described in FIG. 15. The summary is shown in result order in FIG. 16A, and

file alphabetical order in FIG. 16B.").

Claim 20 is a computer readable medium claim corresponding to the method claim above

(Claim 1) and, therefore, is rejected for the same reason set forth in the rejection of Claim 1.

As per **Claim 16,** the rejection of **Claim 20** is incorporated; and Fontes further discloses:

- wherein simultaneously displaying the first and second sets of stacked diffs comprises

displaying version control metadata relating to an active conflict *(see Column 9: 38-41, "Prior to*

applying the diff file, the comparator compares the identification values of the base drawing 300

and the diff file, and warns the user if the values don't match. ").

As per **Claim 18,** the rejection of **Claim 20** is incorporated; and <u>Fontes</u> further discloses:

- computer program code for displaying annotations in the first and second sets of

stacked diffs *(see Figures 16A and 16B; Column 7: 56-63, "FIGS. 16A and 16B illustrate*

summaries of the comparison presented by the present invention. FIG. 16A illustrates the

comparator 120 of the present invention outputting on window 1600 a list of all files compared

in the comparison described in FIG. 15. The summary is shown in result order in FIG. 16A, and

file alphabetical order in FIG. 16B. ").

As per **Claim 19,** the rejection of **Claim 20** is incorporated; and <u>Fontes</u> further discloses:

- computer program code for alternatively displaying or not displaying deleted lines of

text in the first and second sets of stacked diffs *(see Column 5: 54-59, "Other indications of*

differences between base drawing 300 and revision 302 are possible with the present invention,

e.g., lines can be displayed in different colors, can 'blink' on and off to show differences, or any

other manner of indicating to the user that something has changed between the two drawings. ").

As per **Claim 21,** the rejection of **Claim 20** is incorporated; however, <u>Fontes</u> does not

disclose:

- computer program code for selecting one or more lines of text from each of the first and second sets of stacked diffs and for copying the selected lines of text to a conflict resolution pane.

Percival discloses:

- computer program code for selecting one or more lines of text from each of the first and second sets of stacked diffs and for copying the selected lines of text to a conflict resolution pane *(see Column 4: 9-12, "To merge the files, User A must mark blocks or lines of code to be excluded from the target (i.e., the file which will be checked into the database), and then saves and checks in the resulting file.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Percival into the teaching of Fontes to include computer program code for selecting one or more lines of text from each of the first and second sets of stacked diffs and for copying the selected lines of text to a conflict resolution pane. The modification would be obvious because one of ordinary skill in the art would be motivated to allow a user to merge a set of changed text files *(see Percival – Column 1: 22-25)*.

12.   **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fontes** in view of **Percival** as applied to Claim 1 above, and further in view of **US 6,275,223 (hereinafter Hughes)**.

As per **Claim 2**, the rejection of **Claim 1** is incorporated; however, Fontes and Percival do not disclose:

- wherein the first and second sets of stacked diffs can be scrolled together.

Hughes discloses:

- wherein the first and second sets of stacked diffs can be scrolled together *(see Column 12: 43-56, "The original source code and new source code can be scrolled up and down together by activation of vertical scroll bar 1505. Respective first and second source code windows each have a corresponding respective horizontal scroll bar 1506, 1513 for enabling horizontal scrolling of code items within the source code windows.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hughes into the teaching of Fontes to include wherein the first and second sets of stacked diffs can be scrolled together. The modification would be obvious because one of ordinary skill in the art would be motivated to improve usability in visual comparison of the software files.

13.   **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontes in view of **Percival** as applied to Claim 10 above, and further in view of **US 6,407,753 (hereinafter Budinsky)**.

As per **Claim 11**, the rejection of **Claim 10** is incorporated; however, Fontes and Percival do not disclose:

- undoing the selection and copying steps.

Budinsky discloses:

- undoing the selection and copying steps *(see Column 9: 35-38, "A determination is then made as to whether the selected rule is disabled (step 603), for example, by either an 'Undo' operation manually selected by the user, or manually disabled by the user upon viewing the rule set.").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Budinsky into the teaching of Fontes to include undoing the selection and copying steps. The modification would be obvious because one of ordinary skill in the art would be motivated to revert selected data back to its original state.

Response to Arguments

14. Applicant's arguments with respect to Claims 1 and 20 have been considered, but are moot in view of the new ground(s) of rejection.
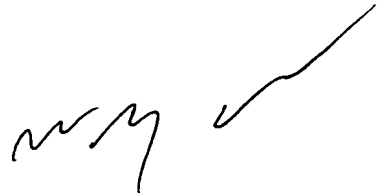
Conclusion

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WEI ZHEN
SUPERVISORY PATENT EXAMINER

QC
November 20, 2007